

## **Chapter 29, ETHICS**

[HISTORY: Adopted by the Town Board of the Town of Huntington as indicated in article histories. Amendments noted where applicable.]

### **GENERAL REFERENCES**

**Defense and indemnification -- See Ch. 19.**

**Public disclosure -- See Ch. 53.**

**Tax information disclosure with respect to sale of new homes -- See Ch. 97, Art. II.**

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## **ARTICLE I, Code of Ethics [Adopted 11-9-1995 by Ord. No. 95-CE-9<sup>EN</sup>; amended in its entirety 5-19-1998 by L.L. No. 23-1998]**

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### **§ 29-1. Legislative intent.**

The Town Board of the Town of Huntington hereby declares and finds it to be in the public interest of the residents and taxpayers of the Town of Huntington to provide for the establishment of regulations regarding the conduct of all elected officials, officers, employees, public officials and public servants of the town and its various departments, agencies, boards, committees, councils, special districts, improvement districts and all other facets of the government and its subdivisions by prohibiting, restricting, overseeing, requiring and enforcing certain conduct by them as a condition of employment and/or service to the populace of the Town of Huntington.

### **§ 29-2. Purpose.**

Pursuant to the General Municipal Law of the State of New York, the Town Board of the Town of Huntington must adopt a code of ethics with reasonable standards of conduct for town government officials. It is the purpose of the Town Board of the Town of Huntington in enacting this article to codify the policy of requiring the highest standards of ethical and professional conduct by all those who choose to engage in public service to the populace of the Town of Huntington, in order for the town to meet all of its responsibilities to its residents and taxpayers, at the highest levels of honesty, integrity and propriety.

### **§ 29-3. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**BOARD MEMBERS** -- Includes all members of the Town of Huntington Planning Board, Zoning Board of Appeals, Accessory Apartment Review Board, Board of Assessment Review, Historic Preservation Commission, all citizen's advisory committees, councils and/or boards and/or any and all other committees, councils, boards, commissions, agencies or other groups appointed by the Town Board of the Town of Huntington, on a permanent, temporary or ad-hoc basis.

**BUSINESS ENTITY** -- Includes all corporations, professional corporations, companies, partnerships, DBA's (doing business as), associations, holders of business certificates filed with a county clerk or other proper authority of any state or the federal government or any other organization holding itself out as a business for the purpose of earning a profit.

**DUTIES** -- Includes those functions performed in the service of the Town of Huntington, as distinguished hereinbelow:

- A. **ADVISORY DUTIES** -- Include those functions performed by any volunteer public official, as defined hereinunder, involving the mere gathering, analysis, dissemination or retrieval of general information for the purpose of rendering advice to the Town Board or the various town departments, agencies, boards, committees, councils, special districts, improvement districts, and all other facets of the town government and its subdivisions, in regard to their volunteer public service.
- B. **DISCRETIONARY DUTIES** -- Include those functions performed by any government official involving greater than the mere dissemination or retrieval of general information; or those functions imposed by law, job description or general practice that involve decision-making, policy-making or the rendering of a judgment.
- C. **OFFICIAL DUTIES** -- Shall include all functions regarding the reasonably expected responsibilities, charges, obligations, trusts and liabilities of any and all elected officials, officers, employees, public officials and/or public servants of the Town of Huntington and its various departments, agencies, boards, committees, councils, special districts, improvement districts and all other facets of the town government and its subdivisions, in regard to their public service.

**ENGAGE** -- Includes any recognized dictionary definition thereof and/or of the following words: participate, enter into, join, take part in, arrange, bargain and/or deal.

**GOVERNMENT OFFICIAL** -- Include all of the following categories of individuals, as distinguished hereinbelow:

- A. **ELECTED OFFICIAL** -- Includes all persons elected by the electors of the Town of Huntington pursuant to the laws of the State of New York.
- B. **EMPLOYEE and/or PUBLIC SERVANT** -- Include all persons, other than officer, as defined hereinbelow, whose salary is paid in whole or in part by the Town of Huntington, its various departments, agencies, boards, committees, councils, special districts, improvement districts and all other facets of the town government and its subdivisions, whether pursuant to civil service regulations, contractual employment agreements or any other arrangements.
- C. **MANAGEMENT AND CONFIDENTIAL OFFICIAL** -- Includes all persons holding salaried positions that have been classified as exempt, provisional or excluded from permanent civil service status or permanent contractual status, appointed by the Town Board or other government official of the town.
- D. **OFFICER, OFFICIAL and/or PUBLIC OFFICIAL** -- Includes all elected officials of the Town of Huntington; all officials as defined in the Laws of the State of New York; all persons holding salaried positions with or memberships on committees, councils or boards of the town and appointed by the Town Board; all persons appointed to salaried positions by the Town Board; all persons appointed by any government official of the town to any salaried position which has been classified as exempt from civil service regulations and contractual employment agreements; and all the members of the Historic Preservation Commission, even though unsalaried.
- E. **VOLUNTEER OFFICER, OFFICIAL and/or PUBLIC OFFICIAL** -- Includes all persons

holding unsalaried positions with or memberships on committees, councils or boards of the town and appointed by the Town Board; all persons appointed to unsalaried positions by the Town Board; and all persons appointed any government official of the town to any unsalaried position.

**SUBSTANTIAL** -- Includes any recognized dictionary definition thereof and/or of the following words: material, significant, actual or tangible; and shall further include any circumstance more than mere happenstance and/or inuring to a benefit, financial or otherwise.

**THE BOARD** -- The Board of Ethics and Financial Disclosure of the Town of Huntington, as empowered herein.

**TOWN OF HUNTINGTON, TOWN and/or TOWN OR ANY SUBDIVISION THEREOF** -- Include the government of the Town of Huntington, as well as its various departments, agencies, boards, committees, councils, special districts, improvement districts and all other facets of the town government and its subdivisions.

#### **§ 29-4. General provisions.**

##### **A. Town Councilmen as liaisons.**

- (1) **Appointment by the Supervisor.** The Supervisor of the Town of Huntington shall appoint each of the Town Councilmen of the Town of Huntington as liaisons to the various town departments, agencies, boards, commissions, committees, councils, special districts, improvement districts or other subdivisions thereof to oversee compliance with this Code of Ethics.
- (2) **Reports to the Supervisor.** Said liaisons shall provide the Supervisor, in writing, their evaluations and recommendations, and any ongoing matters pursuant to this Code of Ethics, regarding the town departments, agencies, boards, commissions, committees, councils, special districts, improvement districts or other subdivisions thereof that they are appointed to oversee, when appropriate or at the request of the Supervisor.

##### **B. Professional's notices of appearance.**

- (1) **Filing required.** Prior to any government official of the town or any subdivision thereof exercising any discretionary duties in reaction to any professional, verbally or in writing, who purports to be retained by a person, business entity, association or other client, said government official must require the filing of a written notice of appearance by said professional.
- (2) **Form.** Said notice of appearance shall either be by letter or on a form prepared by the Town Attorney's office and must include the business name, individual name, address and telephone number of both the professional and client, the date the professional was retained by the client, the matter the professional is appearing on and the department the professional is appearing before.
- (3) **Filing.** The department with which the notice of appearance has been filed shall keep the original, and a copy shall be forwarded to and maintained by the Town Attorney, as a readily available public document.

#### **§ 29-5. Standards.**

- ##### **A. Conflicts of interest.** No government official of the town or any subdivision thereof shall engage in any conduct, business transaction or professional activity, or shall have any financial or other private interest, direct or indirect, which is in substantial conflict with the

proper discharge of their official duties.

B. Appearance of impropriety.

- (1) No government official of the town or any subdivision thereof shall allow their family, social or other relationships to influence their conduct or judgment in relation to their official duties.
- (2) No spouse, child, parent or sibling of an elected official, or the spouse of any such person, shall hold any position, paid or unpaid, as a government official of the town, or any subdivision thereof, unless they have attained a permanent civil service employee status or permanent contractual employee status prior to the election of said official. This, however, shall not prevent the employment of college and/or high school students for summer, seasonal positions.
- (3) No government official of the town or any subdivision thereof shall use or attempt to use their official position to secure unwarranted privileges or exemptions for themselves or others.
- (4) No government official of the town or any subdivision thereof shall conduct themselves in such a manner as to give reasonable basis for the impression that any person or business entity can improperly influence them or unduly enjoy their favor in the performance of their official duties, or that they are affected by the kinship, rank, position or influence of any party or person.
- (5) All government officials of the town or any subdivision thereof shall endeavor to pursue a course of conduct which will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of their trust.

C. Conflicting employment or business transactions.

- (1) No government official of the town, or any subdivision thereof, shall accept other employment, engage in any business transaction or make any investment which will impair their independence of judgment in the exercise of their official duties, or interfere in any manner whatsoever with the discharge of their official duties, as set forth in greater detail in § 29-7 of this Article.
- (2) No government official of the town, or any subdivision thereof, shall receive, accept or enter into any agreement, express or implied, to receive or accept compensation for services to be rendered in relation to any matter before any department, district, administrative body, board or agency of the town, or any subdivision thereof, if said matter is contingent upon any discretionary action by the town, or any subdivision thereof, as set forth in greater detail in § 29-7 of this Article.

**§ 29-6. Disclosure of interest.**

A. Elected officials.

- (1) Generally. Elected officials of the town who have direct or indirect financial or other private or business interest in any proposed legislation shall publicly disclose in the official records of the Town Board the nature and extent of such interest, by filing said disclosure with the Town Clerk, and an additional copy with the Board of Ethics and Financial Disclosure for retention purposes.
- (2) Town Board Members. Any member of the Town Board who decides to vote on any matter that presents a potential for conflict of interest must state in the above referenced disclosure the reasons that have caused them to determine that they are able to vote on the matter and otherwise participate fairly, objectively and in the public interest.

- B. All governmental officials. Any government official of the town, or any subdivision thereof, who has, will have or later acquires an interest in any actual or proposed contract with the town, or any subdivision thereof, shall publicly disclose the nature and extent of such interest in writing to the Town Board as soon as they have knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of the Town Board, by filing said disclosure with the Town Clerk.
- C. Exceptions. The provisions of this section shall not apply to any corporation in which such government official has an interest by reason of stockholding, when less than five (5%) percent of the outstanding stock of said corporation is owned or controlled, directly or indirectly, by such government official.

**§ 29-7. Restrictions during and subsequent to employment.**

- A. Salaried Licensed Professionals. The following restrictions shall apply to licensed professionals who receive or received a salary during their tenure as a government official, including attorneys, engineers, accountants, financial officers, surveyors, and real estate brokers, agents and appraisers.

- (1) During public service. Any professional who serves as an officer of the town or any subdivision thereof is prohibited from exercising any discretion in any matter pending before the town which shall involve any person whom, or business entity which, during the five (5) years prior to said matter arising before the town, has been a client of:
  - (a) theirs,
  - (b) any firm or professional association they have been connected with, or
  - (c) any other professional with which they have shared a business relationship.

This, however, shall not prevent the assignment of such a matter to another professional in the same department who has no interest in said matter.

- (2) Resolution of conflicts. Any professional who is faced with such a conflict shall immediately recuse themselves from all participation therein by reporting same, in writing, to their department head, who shall then be charged with reassigning said matter to another professional in the department, with a directive, in writing, not to expose the recused professional to said matter in any manner whatsoever. If the conflict involves the department director, they shall follow the same procedure by reporting same to their deputy, or if there is no deputy, to their most senior management staff member, who shall then assume the responsibilities of the director regarding said matter.
- (3) Subsequent to public service. Any professional who has served in that professional capacity with the town is prohibited from accepting employment, representing, or entering into a professional or business relationship with anyone employed by or representing any party, in connection with any specific matter in which said professional exercised any discretion on behalf of the town's interest, for a period of two (2) years after the professional's involvement with said specific matter. Furthermore, such professional shall be subject to the five (5) year restriction set forth hereunder at § 29-7E(1)(b).
- (4) Ethics opinion. Both during and subsequent to employment, any individual who feels

that there may be extenuating circumstances in any given situation, except the prohibition on serving as a political officer set forth in this section, may refer the question and their reasons for seeking waiver, in writing, to the Board of Ethics and Financial Disclosure for an opinion.

- B. Management and confidential officials. The following restrictions shall apply to all management and confidential officials, including department heads and directors, deputy department heads and directors and all persons holding salaried positions that have been classified as exempt, provisional or excluded from permanent civil service status or permanent contractual status, appointed by the Town Board or any other government official of the town, or any subdivision thereof.

- (1) During public service. All management and confidential officials are prohibited from exercising my discretion in any matter pending before the town which shall involve any person whom, or business entity which, during the five (5) years prior to said matter arising before the town, has been a client of:
  - (a) theirs,
  - (b) any firm or business association they have been connected with, or
  - (c) any other entity with which they have shared a business relationship.

Furthermore, management and confidential officials are prohibited from serving as an officer and/or executive board members of any political party, committee, club or organization and may not hold a position greater than member in any such entity.

- (2) Resolution of conflicts. Any management or confidential official who is faced with such a conflict shall immediately recuse themselves from all participation therein by reporting same, in writing, to their department head, who shall then be charged with reassigning said matter to another employee in the department, with a directive, in writing, not to expose the recused official to said matter in my manner whatsoever. If the conflict involves the department director, they shall follow the same procedure by reporting same to their deputy, or if there is no deputy, to their most senior management staff member, who shall then assume the responsibilities of the director regarding said matter.
- (3) Subsequent to public service. Any management or confidential official who has ceased service to the town or subdivision thereof is prohibited from accepting employment, representing, or entering into a professional or business relationship with anyone employed by or representing any party, in connection with any specific matter in which said official exercised any discretion on behalf of the town's interest, for a period of two (2) years after the board member's involvement with said specific matter. Furthermore, such board member shall be subject to the five (5) year restriction set forth hereunder at § 29-7E(1)(b).
- (4) Ethics opinion. Both during and subsequent to employment, any individual who feels that there may be extenuating circumstances in any given situation, except the prohibition on serving as a political officer set forth in this section, may refer the question and their reasons for seeking waiver, in writing, to the Board of Ethics and Financial Disclosure for an opinion.

- C. Members of boards. The following restrictions shall apply to members of the Planning

Board, Zoning Board of Appeals, Board of Assessment Review, Historical Preservation Commission, and all other boards, councils, committees and agencies of the town, or any subdivision thereof.

- (1) During public service. All board members are prohibited from exercising any discretion in any matter pending before the town which shall involve any person whom, or business entity which, during the five (5) years prior to said matter arising before the town, has been a client of:
  - (a) theirs,
  - (b) a firm or business association they have been connected with, or
  - (c) any other entity with which they have shared a business relationship.

Furthermore, the members of any board are prohibited from serving as an officer and/or executive board members of any political party, committee, club or organization, and may not hold a position greater than member in any such entity.

- (2) Resolution of conflicts. Any board member who is faced with a conflict regarding a specific application shall recuse themselves, in writing, to the chairman, which shall become part of the board's official records of said proceedings. In the case of a conflict involving the chairman, they shall recuse themselves in the same manner to the vice chairman or most senior board member.
  - (3) Subsequent to public service. Any board member who has ceased service to the town or any subdivision thereof is prohibited from accepting employment, representing, or entering into a professional or business relationship with anyone employed by or representing, any party, in connection with any specific matter in which said board member exercised any discretion on behalf of the town's interest, for a period of two (2) years after the board member's involvement with said specific matter. Furthermore, such board member shall be subject to the five (5) year restriction set forth hereunder at § 29-7E(1)(b).
  - (4) Ethics opinion. Both during and subsequent to employment, any individual who feels that there may be extenuating circumstances in any given situation, except the prohibition on serving as a political officer set forth in this section, may refer the question and their reasons for seeking waiver, in writing, to the Board of Ethics and Financial Disclosure for an opinion.
- D. Other salaried government officials. The following restrictions shall apply to various other government officials, as described hereinbelow, who receive or received a salary during their tenure as a government official.
- (1) Restrictions. None of the following government officials of the town or any subdivision thereof shall engage in the businesses of real estate, insurance, building contracting or building material supply, within the town, during the course of their association with the town or any subdivision thereof:
    - (a) Department of Assessment: the assessor, any deputies or assistants thereto or any other government officials who exercise any discretionary duties in processing applications, investigations, studies or reviews of matters coming before the department.
    - (b) Department of Engineering Services: the Director, any deputies or assistants thereto,

- or any other government officials who exercise any discretionary duties in processing applications, investigations, studies or reviews of matters coming before the Department.
- (c) Department of Environmental Control: the Director, any deputies or assistants thereto or any other government officials who exercise any discretionary duties in processing applications, investigations, studies or reviews of matters coming before the Department.
  - (d) Department of Planning: the Director, any deputies or assistants thereto or any other government officials who exercise any discretionary duties in processing applications, investigations, studies or reviews of matters coming before the Department.
  - (e) Division of Code Enforcement: any government officials who exercise any discretionary duties in processing applications, investigations, studies or reviews of matters coming before the Department.
  - (f) The Planning Board, Zoning Board of Appeals, Board of Assessment Review and the Historical Preservation Commission: any government officials of said boards, excluding the board members thereof, who exercise any discretionary duties in processing applications, investigations, studies or reviews of matters coming before said boards. The restrictions shall not apply to board members, who are appointed by the Town Board, and may be selected because of the special expertise, experience and/or talents they bring to the decision-making process of the boards.
- (2) Ethics opinion. Any individual who feels that there may be extenuating circumstances in any given situation may refer the question and their reasons for seeking waiver, in writing, to the Board of Ethics and Financial Disclosure for an opinion.
- E. Representation of private interests. The following restrictions shall apply to all government officials of the town or any subdivision thereof who receive or received a salary during their tenure as a government official.
- (1) Restrictions.
    - (a) During public service. No government official of the town or any subdivision thereof shall represent any private interests before the town or any subdivision thereof, or in any litigation in which the town has any interest, other than representing themselves or regarding a matter over which:
      - [1] they have no influence, direct or indirect; and
      - [2] they personally do not participate in any manner; and
      - [3] the subject matter of their duties as a government official are in no manner involved.
    - (b) Subsequent to public service. For a period of five (5) years after a government official has concluded employment with or service to the town or any subdivision thereof they shall not be permitted to appear in the representation of any private interests before any town decision-making body regarding any matter over which they had direct influence and in which they personally participated during their tenure as a government official of the town or any subdivision thereof.
  - (2) Ethics opinion. Any individual who feels that there may be extenuating circumstances in any given situation may refer the question and their reasons for seeking waiver, in writing, to the Board of Ethics and Financial Disclosure for an opinion.
- F. Volunteer officer, official and/or public official.



- (1) The restrictions set forth hereinabove in this section shall not apply to volunteer officers, officials and/or public officials except to the extent directly related to the subject matter of their services to the town or any subdivision thereof, and the above referenced political restrictions shall not apply to them, unless directly relevant to the subject matter of said services.
- (2) Ethics opinion. As to those restrictions that do apply, any individual who feels that there may be extenuating circumstances in any given situation may refer the question and their reasons for seeking waiver, in writing, to the Board of Ethics and Financial Disclosure for an opinion.

**§ 29-8. (Reserved)**

**§ 29-9. Misconduct.**

**A. Political promise, use of influence and solicitation.**

- (1) No candidates for town office, candidate committee, political committee, political club, political party committee, political party organization, government official of the town or any subdivision thereof or individual acting on behalf thereof, shall use or promise to use, directly or indirectly, any official authority or influence, whether then possessed or merely anticipated, in any way, for the following purposes:
  - (a) To confer upon any person, or in order to secure, or aid any person in securing, any office, public employment, nomination, confirmation, promotion, increase in salary, contract, agreement, government benefit, business arrangement, or dealings, in consideration of, or in exchange for, any benefit, vote, support, contribution, subscription, donation, political, personal or business influence or action, of the person so to be benefited or of any other person, on behalf of any candidate, officer or party or upon any other corrupt condition or consideration.
  - (b) To affect the nomination, public employment, confirmation, promotion, removal or increase or decrease of salary of any government official, or relationship of any business entity with the town, to affect the vote or political action of any government official, person or business entity or on account of the vote or political action of such government official, person or business entity;
  - (c) To make, tender or offer to procure, or cause any nomination or appointment for any public office, employment or business relationship; or to place, accept or request any such nomination, appointment, employment or business relationship, upon the payment or contribution of any valuable consideration or upon an understanding or promise thereof;
  - (d) To make any gift, promise or contribution to any person, upon the condition or consideration of receiving an appointment or election to a public office or a position of public employment, or a business relationship with the town, for receiving any such office or position, or promotion, privilege, increase of salary, compensation, business relationship therein, or exemption from removal or discharge therefrom.
- (2) No government official of the town shall directly solicit political contributions from any officers or employees of the town, or any subdivision thereof; nor prepare, send or take any part in preparing or sending, any request for political contribution, subscription, assessment or donation, with the intent that same shall be presented to, or collected

- from, any officer or employee of the town, or any subdivision thereof.
- (3) No government official of the town, or any subdivision thereof, shall engage in any activity in any building, office or room occupied for any governmental purpose, which constitutes the making, collecting, receiving, requesting or giving notice therein, of any political assessment, subscription, contribution or donation.
  - (4) No elected official of the town, nor any officer personally and solely appointed by him/her individually, shall directly solicit political contributions from any person or business entity or any employee of any such person or entity selling or providing goods or services to the town or any subdivision thereof in the course of doing business with the town or any subdivision thereof.
- B. Acceptance of gifts and gratuities. No government official of the town, or any subdivision thereof, shall solicit, accept or receive any gift or thing of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, from any person, partnership, corporation, association or private or business entity who or which has received, sought, is seeking or is known to be in contemplation of seeking any service, action, decision, determination, agreement, contract, stipulation or business relationship from or with the town, or any subdivision thereof, within the preceding or following twenty-four (24) months, which would render a benefit to said person, partnership, corporation, association or private or business entity either directly or on behalf of a client, agent, principal, heir, assignee, benefactor or associate thereof, a "gift" being defined as having a monetary value greater than seventy-five (\$75) dollars, as set forth in § 73(5) of Public Officers Law of the State of New York, and subject to revisions of said state law.
- C. Disclosure of confidential information. Except where required by law to do so, no government official of the town, or any subdivision thereof, shall disclose confidential information concerning the affairs of the town, or any subdivision thereof, acquired by them in the course of their official duties; nor use such information to further their personal interest, except as required by law; nor accept employment or engage in any business or professional activity which would require them to disclose confidential information gained by reason of their official position or authority.
- D. Use of property. No government official of the town or any subdivision thereof shall use or remove or permit the use or removal of town property (including but not limited to land, vehicles, equipment, materials and any other property) for personal gain, convenience or profit, except when such use is available to town citizens generally. This provision shall supersede any and all previous practices or general or departmental policies (written or unwritten) that may have been promulgated with respect to the use of town property.
- E. Use of employees for personal services. No government official of the town or any subdivision thereof, or individual acting on behalf thereof, shall use or promise to use, directly or indirectly, any official authority or influence to procure for themselves the provision of personal services by other town employees either for personal gain, convenience or profit.

**§ 29-10. Code of Ethics as condition of employment.**

- A. Compliance. It shall be a condition of employment and/or service to the town, or any subdivision thereof, that all government officials thereof be in compliance with this Code of Ethics and any and all opinions rendered by the Board of Ethics and Financial Disclosure.
- B. Distribution.

- (1) New officers and employees. The Personnel Division of the Supervisor's office shall issue a copy of this Article and any controlling opinions of the Board ratified by the Town Board to all new officers and employees of the town, or any subdivision thereof, at the time their employment information is processed and shall note their personnel file accordingly.
- (2) Oaths of office. The Town Clerk's office shall not administer the oath of office to any new employee, reappointed officer or elected official until notified by the Personnel Division that said employee or officer has received said copies.
- (3) Current officers and employees. Said Personnel Division shall issue a copy of this Article to all current officers and employees of the town, or any subdivision thereof, within thirty (30) days of its adoption, by attaching a copy to their paycheck, and shall note their personnel files accordingly.
- (4) Volunteer officers, officials and/or public officials. Unsalaries government officials shall be required to file an oath of office with the Town Clerk and, upon doing so, shall be issued a copy of the Code of Ethics from the Town Clerk. It shall be the responsibility of the government official appointing said volunteer to inform them of the requirements herein.
- (5) Subsequent changes and ratified controlling opinions. Said Personnel Division shall issue a copy of any changes to this Article or any controlling opinion of the Board ratified by the Town Board, to all officers and employees of the town, or any subdivision thereof, within thirty (30) days of adoption or ratification by the Town Board, by attaching a copy to their paycheck, and shall note their personnel files accordingly. The government official appointing a volunteer shall be responsible for issuing a copy of said changes to volunteers, unless said volunteers serve on a committee, board, council or task force, in which case the Supervisor's office shall issue same to the chairman thereof, who shall be responsible for notifying the members thereof.
- (6) Failure by the town to timely issue a copy of this article or any ratified controlling opinion of the Board to officers and employees of the town or any subdivision thereof shall have no effect on the duty of compliance with this code, nor the enforcement of the provisions herein.

#### **§ 29-11. Board of Ethics and Financial Disclosure.**

Pursuant to the General Municipal Law of the laws of the State of New York, the Town Board of the Town of Huntington has created and established the Board of Ethics and Financial Disclosure, to be governed pursuant to the following provisions:

##### **A. Membership.**

- (1) Generally. The Board shall consist of five (5) members appointed by the Town Board, who: shall be residents of the Town of Huntington; shall serve without compensation of any kind; shall have established a record of community service; shall not be town officers or employees nor hold any elected or appointed public office; shall not serve as officers and/or executive board members of any political party, committee, club or organization, nor hold a position greater than member in any such entity; and shall not be comprised of more than two (2) members of the same political party as defined by Election Laws of the State of New York. [Amended 3-9-1999 by L.L. No. 6-1999]
- (2) Ex officio member. The Town Attorney or their designee shall serve as an ex officio

member of the Board, without voting privileges, shall not serve as chairman of the Board and shall be the legal advisor to the Board.

B. Term.

- (1) The members of the Board of Ethics and Financial Disclosure shall serve for terms of five (5) years. All terms shall be staggered, ending on December 31 of the final year of their term.
- (2) The terms of the members of the first Board appointed by the Town Board subsequent to adoption of this resolution shall be as follows: one (1) member whose term shall expire on December 31 of the year of appointment; one (1) member whose term shall expire on December 31 of one (1) year after appointment; one (1) member whose term shall expire on December 31 of two (2) years after appointment; one (1) member whose term shall expire on December 31 of three (3) years after appointment; one (1) member whose term shall expire on December 31 of four (4) years after appointment.

C. Chairman. The Chairman of the Board of Ethics and Financial Disclosure shall be appointed by the Town Board from among the members of the Board. The term of the Chairman shall end on December 31 of the year in which they are appointed. The Chairman shall preside at all meetings of the Board.

D. Resources. The Town Board shall provide to the Board of Ethics and Financial Review such assistance and resources as are necessary to fulfill the functions of the Board set forth in this Article.

E. Opinions of the Board of Ethics and Financial Disclosure.

- (1) Generally. Opinions of the Board are required in order to comply not only with the letter of the Code of Ethics, but also with the spirit of preventing violations of an acceptable code of conduct. All opinions of the Board shall be rendered within thirty (30) days of receipt, and shall be published and available in the Town Clerk's office, with all references to names, addresses and other information that would constitute a breach of confidentiality removed therefrom. The Board shall at all times protect the confidentiality of all government officials of the town or any subdivision thereof requesting an opinion therefrom.
- (2) Controlling opinions. The Board shall render controlling opinions with respect to any questions arising under the Code of Ethics, pursuant to the written request of the Town Board, which opinions, if thereafter ratified by the Town Board, shall have the same force and effect as being adopted into this chapter. Controlling opinions shall never make reference to a specific individual or government official, in order to ensure rights to confidentiality, and shall be issued by the Board as general decisions.
- (3) Advisory opinions. The Board shall render advisory opinions with respect to any questions arising under the Code of Ethics, pursuant to the written request of the Town Board, or at the request of any government official of the town or any subdivision thereof requesting an opinion concerning themselves, in regards to a particular matter. Advisory opinions shall be rendered and returned only to the party requesting same and shall be held and labeled as confidential by the Board. The Board shall have the authority to recommend the removal or resignation of any government official from their position on any matter referred to them by the Town Board, where appropriate.
- (4) Complaint. Any employee or resident of the Town may file a sworn complaint alleging a violation of the Code of Ethics. All supporting documentation and/or information shall be supplied with the complaint, which shall be filed with the Board of Ethics by delivery

to the Town Attorney's Office. The Board shall determine whether the complaint involves conduct proscribed by the Code of Ethics and, if so, whether sufficient evidence has been presented to proceed with an investigation of the complaint. If the Board determines that the improper conduct alleged is not within its jurisdiction or that insufficient evidence has been presented to initiate an investigation, it shall so notify the complainant and close the file, which shall remain confidential. If the Board determines that an investigation is warranted, it shall notify the person against whom the complaint has been filed and provide them with copies of the complaint and all materials submitted in support of the complaint and allow the submission of responsive materials. The Board shall have the power to issue subpoenas to compel appearance for testimony and the production of documents. The Board shall determine whether and to what extent it will hear testimony. After concluding the investigation, the Board shall render a written opinion which shall be filed with the Town Clerk and become a public document. All documents and materials considered or generated in the investigation of a complaint shall be subject to disclosure pursuant to the Freedom of Information Law. [Added 5-6-2003 by L.L. No. 16-2003]

F. Public hearings.

- (1) The Board shall schedule a public hearing once in March of every year, wherein the general public of the Town of Huntington is invited to bring forward any improvements to this Code of Ethics.
- (2) Notice of these public hearings shall be given by the placing of a quarter-page advertisement in the official newspaper of the town on two (2) separate occasions, once approximately thirty (30) days prior to said hearings and once approximately fifteen (15) days prior to said hearings.
- (3) Transcribed stenographic records of the minutes of said hearings shall be filed with the Town Clerk.
- (4) After the holding of said hearings, the Board shall forward to the Town Board its recommendations for proper actions to be taken subsequent thereto, including changes to the code; removal, termination, resignation or other discipline of any town government official; or any other action it deems appropriate.

G. Seminars for government officials.

- (1) The Board shall schedule seminars for all government officials of the town, or any subdivision thereof, once every year, wherein the Board will review and interpret the Code of Ethics and any controlling opinions, as a means of education and information for said government officials. The government official will be invited to ask questions and propose improvements relevant to the Code of Ethics.
- (2) Notice of these seminars shall be given by the issuance of a memo to each government official and the posting of fliers in multiple locations in all town facilities, in a manner where they can be easily read and noticed, approximately fifteen (15) days prior to said seminars.
- (3) Transcribed stenographic records of the minutes of said seminars shall be filed with the Town Clerk.
- (4) After the holding of said seminars, the Board shall forward to the Town Board its recommendations for changes to the code, where it deems appropriate.

H. Financial disclosure. The members of the Board shall also carry out the duties and responsibilities delegated to them regarding financial disclosure, as set forth in Article II of

this chapter.

- I. Rules and regulations. The Board shall promulgate such rules and regulations as it deems fit and proper in order to function within the charge of this article and submit such rules and regulations or any amendments thereto, in the form of a resolution, to the Town Board for approval. Such rules and regulations shall set forth specifically how the records of the Board shall be maintained and kept secured from unauthorized disclosure.
- J. Records and expenditures. The Board shall maintain appropriate records, in addition to the rules and regulations required hereinabove, of its opinions and proceedings and be permitted to expend such funds as are necessary and proper in order to function within the charge of this article.

**§ 29-12. Penalties for offenses.**

- A. Any conduct which is a violation of this article, which is or may also be a violation of any and all criminal and/or penal laws of the State of New York or United States of America shall be referred to the proper authorities, including the Suffolk County District Attorney, the New York State Attorney General and the United States Attorney for the Eastern District of New York, for investigation and prosecution, wherever and whenever appropriate, and any prosecution by the town pursuant to this chapter shall not preclude the criminal prosecution set forth hereinabove.
- B. In addition to any other applicable provisions of law, any violation of the provisions of this Code of Ethics shall, to constituting a cause for suspension or removal from office as provided by law, constitute an offense and shall be grounds for declaring any contract knowingly entered into with the Town of Huntington, or any subdivision thereof, in violation of this article to be null, void and wholly unenforceable.
- C. Any person convicted of violating this article shall be liable to the Town of Huntington for a civil penalty not to exceed five thousand (\$5,000) dollars.
- D. In addition to any other remedy provided by law, the town may bring an injunction proceeding to enforce this article or a civil action to recover any damages.

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**ARTICLE II, Disclosure of Financial Status [Adopted 11-12-1985 by Ord. No. 85-CE-18<sup>ii</sup>EN]**

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**§ 29-13. Statement required.**

- A. All elected and appointed members of the Town Board, Zoning Board of Appeals, Planning Board and Accessory Apartment Review Board, all other elected town officials, all department heads and deputy department heads, all division heads and all attorneys in the Town Attorney's office, all other salaried officials of the Town of Huntington appointed by the Town Board and all town inspectors shall file a financial disclosure statement with the Huntington Board of Ethics and Financial Disclosure as required by this article. For purposes of this article, all persons required to file statements will be referred to as "employees" and the Board of Ethics and Financial Disclosure will be referred to as "Board." [Amended 6-25-1991 by Ord. No. 91-CE-4; 11-9-1995 by Ord. No. 95-CE-9]

- B. All employees shall file with the Board a disclosure statement answering each and every question. This statement shall be in the form prescribed by the Board as approved by Town Board resolution, and such statement may be amended from time to time as recommended by the Board and approved by Town Board resolution.
- C. All statements filed with the Board shall be filed with the Town Clerk after the Board has completed review pursuant to this article and shall become a public record; except that an employee may request confidentiality in regard to parts of his financial statement that have no relationship to his official duties and, as delineated in Section 3 of such statement only, confidentiality may be granted by the Board in regard to such parts that, in the opinion of the Board, pose no conflict of interest and/or have no relationship to official duties of the employee. Parts of the statement that are granted confidential status by the Board shall be retained by the Board and shall only be disclosed pursuant to this article.

**§ 29-14. Board of Ethics and Financial Disclosure. [Amended 8-22-1995 by Ord. No. 95-CE-3; 11-9-1995 by Ord. No. 95-CE-9]**

- A. Generally. The membership, designation of Chairman, term and organization of the Board is set forth in Article I of this chapter.
- B. Ethics. The members of the Board shall also carry out the duties and responsibilities delegated to them regarding ethics, as delineated in Article I of this chapter.

**§ 29-15. Powers and duties of Board of Ethics and Financial Disclosure.**

- A. The Board shall promulgate any amendments to the financial disclosure statement that it deems fit and proper or that may be required by law, order to function within the charge of this article, and submit such amendments, in the form of a resolution, to the Town Board for approval. [Amended 8-22-1995 by Ord. No. 95-CE-3; 11-9-1995 by Ord. No. 95-CE-9]
- B. The Board shall mail the approved financial disclosure statement by certified mail, return receipt requested, to all employees required to file a statement under this article. [Amended 8-22-1995 by Ord. No. 95-CE-3; 11-9-1995 by Ord. No. 95-CE-9]
  - (1) The Board shall obtain a list of all employees who must file pursuant to this article from the appropriate town agency in February of each year.
  - (2) The statements shall be mailed to all employees by March 30 of each year, and employees must return the completed statement, as the Board directs, by April 30 or within fifteen (15) days after any extended time for filing his or her income tax return, if the Board is so notified, but in no event later than July 15.
  - (3) Any changes in personnel, that would add to the list an employee required to file, occurring after February of each year should be reported to the Board by the Department of Personnel and the appropriate town agency. The Board shall then mail the statement to such employee in the manner herein prescribed and shall allow the employee thirty (30) days to respond.
- C. The Board shall receive, date, review and file all financial disclosure statements, pursuant to the rules, regulations and procedures promulgated by the Board and approved by the Town Board. The Board must review financial disclosure statements filed by employees within thirty (30) days of receipt thereof. [Amended 11-9-1995 by Ord. No. 95-CE-9]
  - (1) If any employee refuses or fails, unknowingly or intentionally, to timely file a statement as required by this article, the Board shall notify the employee of such failure and

- simultaneously notify the Town Comptroller that said individual has not filed and, upon such notification, the Comptroller shall withhold the paycheck of that employee. Once a statement is filed, the Board shall promptly notify the Comptroller and all moneys withheld because of nonfiling shall be promptly released.
- (2) If an employee fails to file a statement within forty-five (45) days after receipt of the notice of nonfiling from the Board, or if the employee files a statement which the Board determines was filed with the intent to deceive, to intentionally misrepresent or otherwise fraudulently answer any question set forth in the statement or to intentionally withhold any information asked or demanded in the statement, such action shall be grounds for dismissal or removal pursuant to Civil Service Law § 75; the Public Officers Law, Article 3, and other applicable laws.
  - (3) If the Board determines that an employee filed a statement with the intent to deceive, to intentionally misrepresent or otherwise to fraudulently answer any question set forth in the statement or to intentionally withhold any information asked or demanded in the statement and if such deception or misrepresentation is found by the Board to be both intentional and material as to a conflict of interest, then such employee shall be charged with a violation of this article punishable by a fine of not more than five hundred dollars (\$500.) or imprisonment of not more than three months, or both. In all criminal proceedings under this article, the Board, through a designated representative, shall act as a complaining witness.
  - (4) If, after review of the statement, the Board determines that a conflict of interest exists or that there appears to be an impropriety that could reflect upon the integrity of Town government, the following procedures shall apply:
    - (a) The Board shall specify, by written opinion, stating its findings and the basis for its opinion that a conflict or impropriety exists, and mail such opinion by certified mail, return receipt requested, to the employee.
    - (b) The employee shall have twenty-one (21) days from the date he receives the opinion to respond, rebut or refute the Board's findings.
    - (c) The Board may recommend to the employee a manner in which the conflict of interest or appearance of impropriety may be rectified.
  - (5) When conditions in Subsection C(2) and C(3) of this section exist or if any employee fails to respond to the Board within twenty-one (21) days of receipt of the Board's opinion or fails to satisfactorily cure a conflict or impropriety as addressed in Subsection C(4) of this section, the Board shall publicly disclose the employee's statement or relevant portions of such statement along with the Board's opinion, by filing them with:
    - (a) The Town Clerk.
    - (b) The Huntington Board of Ethics.
    - (c) The Town Supervisor.
    - (d) The Town Board.
- D. Any part of a financial disclosure statement that has been granted confidential status by the Board pursuant to the employee's request shall be maintained by the Board as confidential information. It shall be a violation for any Board member or any other individual, except the employee who filed the statement, to disclose any information that has been granted confidential status. Such violation shall be punishable by a fine of not more than two hundred fifty dollars (\$250.), as determined by the Board.
- E. If information granted confidential status is intermixed with parts of the statement that will



be filed with the Town Clerk as a public record, such confidential information shall be deleted by the Board on the copy to be so filed, and the original statement containing the confidential information shall be retained by the Board.

**§ 29-16. Form of statement. [Amended 5-6-2003 by L.L. No. 16-2003]**

The statement shall consist of four (4) sections, containing the following information:

- A. Section 1 shall contain the following information regarding the employee:
  - (1) The name and business address of employee.
  - (2) The Town position of employee and grade and step, if applicable.
  - (3) The Town salary of employee.
  - (4) Sources of other income for the previous year.
  - (5) Other compensated employment of whatever nature.
  - (6) All directorships and other fiduciary positions for which compensation has or will be claimed.
  - (7) Sources of all honorariums, lecture fees and other miscellaneous sources of income.
  - (8) Listing of real estate owned by the employee.
- B. Section 2 shall include, but is not limited to, the following information regarding the employee and members of his or her family.
  - (1) Real estate transactions. Whether or not the employee or any member of his family has received, shared or participated in, by gratuity or otherwise, any fee or commission derived from the sale of any real estate in the Town of Huntington within four (4) years of the date of his taking office, except for the sale of single-family residences where no change of zone or variance was involved. If the answer is in the affirmative, the following matters shall be disclosed:
    - (a) The date of transaction.
    - (b) The description of the property.
    - (c) The amount received as a fee, commission or gratuity and whether in the form of money, stock or any other remuneration.
    - (d) Who participated or shared in said fee or commission.
    - (e) The name of purchaser and seller.
    - (f) Whether or not the official or any member of his family, at that time or at the present, was a duly licensed real estate broker of the State of New York.
    - (g) Whether or not the employee or members of his family owned an interest in said property, or had legal or equitable ownership (if answered in the negative, the facts which form the basis for sharing in said commission or fee should be set forth).
    - (h) Whether or not said real property had been affected by any change in the Zoning Map and Zoning Code of the Town of Huntington.<sup>iiiEN</sup>
  - (2) Zoning. Whether or not the employee or any member of his family has shared in, received or participated in, directly or indirectly, any fee, commission, gratuity or otherwise derived from the change of zone of any real estate in the Town of Huntington within the last four (4) years. If the answer is in the affirmative, the official is to set forth the following.
    - (a) The description of the property.
    - (b) The amount received as fee, commission or gratuity.
    - (c) Who received or participated in said fee or commission.

- (d) The date of the change in the zoning.
- (e) The owner of said property at the time of said change.
- (f) The zoning prior to and subsequent to the granting of the change of zone.
- (g) The market value prior to and subsequent to said change of zone.
- (h) The name of the applicant and the representative who presented the application.
- (3) Insurance. Whether or not the employee or any member of his family has, directly or indirectly, received, participated in or shared in, by gratuity or otherwise, in any way, any fee or commission derived from any insurance coverage in which the town is named insured. If said answer is in the affirmative, the following shall be disclosed:
  - (a) The type of coverage.
  - (b) The name of the insurer and the name of the broker.
  - (c) The amount of the premium.
  - (d) The amount of the broker's commission.
  - (e) The amount received as fee, commission or gratuity by the employee or member of his family.
  - (f) The persons participating in said fees or commissions, whether or not related, and, if so, how.
  - (g) The dates of transactions and whether or not the employee or member of his family is a duly licensed insurance broker pursuant to the laws of the State of New York.
- (4) Litigation. Whether or not the employee or any member of his family has received, shared in or participated in, directly or indirectly, by gratuity or otherwise, any fee or settlement with respect to litigation or a claim in which the town or a department, board or agency of the town was a party within the last four (4) years. If the answer is in the affirmative, the following shall be disclosed:
  - (a) If litigation was instituted, the date, caption and court, calendar and index number, when possible, and, if settled, prior to trial or at trial, the names of the parties and the date and amount of settlement.
  - (b) If the matter did not go to litigation, whether or not the claim was settled out of court, the names or the parties or claimants and the date of settlement.
  - (c) In the event that the town was not a plaintiff, the name and address of the plaintiffs attorney and the amount received as a fee shall be stated; the amount received as a fee or commission, by the gratuity or otherwise; who received or participated in said fee or commission and, if related, how related.
  - (d) Whether the employee or any member of his family is licensed as an attorney and counselor at law pursuant to the laws of the State of New York.
- (5) Variance and special exceptions. Whether or not the employee or any member of his family has shared in, received or participated in, directly or indirectly, any fee, commission, gratuity or otherwise derived from any variance of the town's Zoning Ordinance, with respect to any real estate in the Town of Huntington, within the last four (4) years. If the answer is in the affirmative, the official is to set forth the following:
  - (a) The description of property (street description).
  - (b) The amount received as fee, commission or gratuity.
  - (c) Who received or participated in said fee or commission.
  - (d) The date of the variance.
  - (e) The owner of said property at the time of said variance.
  - (f) The status prior to and subsequent to the granting of the variance.

- (g) The market value prior to and subsequent to said variance.
  - (h) The name of the applicant and the representative who presented the application.
- C. Section 3 shall include, but is not limited to, the following information regarding the employee, including jointly held assets and liabilities; and the information given shall indicate in whose name or names such assets or liabilities are held as well as the relationship of the joint owners or obligors:
  - (1) Assets.
    - (a) Cash on hand.
    - (b) Cash in banks.
    - (c) Notes receivable.
    - (d) Accounts receivable.
    - (e) Loans receivable.
    - (f) Life insurance, cash surrender value.
    - (g) Stocks and bonds.
    - (h) Government obligations.
    - (i) Interest in government contracts.
    - (j) Mortgage owned.
    - (k) Real estate interests.
    - (l) Automobile and other assets.
  - (2) Liabilities.
    - (a) Notes payable to a bank, secured or unsecured.
    - (b) Notes payable to others, secured or unsecured.
    - (c) Mortgages or liens on real estate.
    - (d) Accounts payable.
    - (e) Taxes, federal and state income.
    - (f) Loans against life insurance.
    - (g) Brokers' margin accounts.
    - (h) Other indebtedness, due within one (1) year.
    - (i) Other indebtedness, due beyond one (1) year.
  - (3) Income and other interests.
    - (a) All compensated continuing employment of whatever nature.
    - (b) All directorships and other fiduciary positions for which compensation has or will be claimed.
    - (c) All honorariums, lecture fees and other miscellaneous sources of income.
- D. Section 4 shall include disclosure of whether the appointed town employees has utilized, retained and/or has otherwise entered into a contract with a person, corporation or other business entity having an existing contract with the Town of Huntington or otherwise doing business with the Town of Huntington, for the purpose of having said person, corporation or business entity perform services on behalf of or for the appointed official. Disclosure of the name and address of the person, corporation or business entity; the nature of the agreement; and the services rendered or to be rendered on behalf of or for the appointed official shall only be required if the services rendered or to be rendered amount to, either singly or in the aggregate, one thousand (\$1,000) dollars or more in the calendar year. The Board of Ethics may, at its sole discretion, request whatever documentation it deems advisable or necessary of the appointed town official.
- E. Certification. The statement and information shall be in affidavit form.

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**ARTICLE III, Allegations of Misconduct [Adopted 2-9-1999 by L.L. No. 4-1999]**

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**§ 29-17. Purpose.**

This article is intended to set forth investigation procedures regarding allegations of misconduct and to protect employees who, reasonably believing them to be true and to constitute improper government action as defined in this chapter, make allegations of corrupt or other criminal activity, conflicts of interest, unethical conduct, and misconduct, in conformity with Civil Service Law § 75-b (Retaliatory action by public employers) of the Laws of the State of New York.

**§ 29-18. Designation of improper government action.**

Improper governmental action shall mean any action by a government official, as defined in this chapter, which is undertaken in performance of said government official's official duties, whether or not such action is within the scope of their employment, and which is in violation of any federal, state or local law, rule or regulation, as set forth in Civil Service Law § 75-b(2)(a).

**§ 29-19. Protection of employees.**

In conformity with Civil Service Law § 75-b(2)(a), this Article affords protections to employees making allegations of misconduct during and subsequent to the appointing authority's investigation of such allegations, unless it can be demonstrated that the employee making the allegations did not have reasonable cause to believe the allegations to be true, or made such allegations in bad faith or with ulterior motives.

**§ 29-20. Procedures for investigation of allegations of misconduct.**

- A. Allegations. Any employee who has reasonable cause to believe that improper government actions are occurring, relevant to the government of the Town of Huntington, may provide such information to any of the following authorities:
  - (1) The Board of Ethics and Financial Disclosure:
  - (2) The Town Attorney:
  - (3) The Town Comptroller, if the matter involves misuse of public funds:
  - (4) Any proper federal, state or local authority, if the employee reasonably believes the matter cannot be resolved at the town level.
- B. Identity of accuser. The identity of any person providing such information or making such allegations shall be kept confidential, unless the investigating authority determines said employee did not have reasonable cause to believe the allegations to be true or was acting in bad faith in making the allegations.
- C. Investigation.
  - (1) A town government official receiving such an allegation shall maintain confidentiality and refer it to either the Board of Ethics and Financial Disclosure, or the Town Attorney or Town Comptroller if the matter involves misuse of public funds, who shall then conduct a confidential investigation.
  - (2) Such investigation shall not exceed ninety (90) days to determine the validity of the

charges.

- (3) At the conclusion of the investigation, a confidential memorandum shall be prepared containing a summary of the information received, the results of the investigation, and any determination made by the investigating authorities:
  - (a) If it is concluded that the allegations are so unsubstantiated that no further action is warranted, the investigating authority shall so notify the person making the allegation by copy of the confidential memorandum, to said person's attention only, taking all necessary actions to protect their identity:
  - (b) If it is concluded that further review, prosecution or administrative action is warranted by a town, county, state or federal official, the investigating authority shall forward an original of the confidential memorandum to said official, along with any details and documentation deemed necessary, together with a request for appropriate action, and shall cause the person who provided the information to be so notified, if permissible under law, by copy of the confidential memorandum, to their attention only, taking all necessary actions to protect their identity.

**§ 29-21. Use of authority or influence restricted.**

- A. No government official may, directly or indirectly, use or attempt to use their official authority or influence to intimidate, threaten, coerce, command, influence or attempt to intimidate, threaten, coerce, command or influence any individual in order to interfere with such individual's right to disclose information relative to improper government action.
- B. Use of official authority or influence shall include:
  - (1) Promising to confer any benefit (such as compensation, grant, contract, license or ruling) or effecting or threatening to effect any reprisal (such as deprivation of any compensation, grant, contract, license or ruling); or
  - (2) Taking, directing others to take, recommending, processing or approving any personnel action as defined in this section.

**§ 29-22. Investigations of changes in employee's work situation.**

- A. For two (2) years, any employee who made allegations of misconduct may file a complaint with the Board of Ethics and Financial Disclosure regarding changes in their work situation which they believe are related to the allegations they made.
- B. Said Board shall investigate such changes in the employee's work situation, if they determine that a personnel action has been taken as a reprisal against such employee, they shall report such determination to the Town Board, the appropriate department, the Town Attorney, the Town Personnel Officer, the officer to whom the original complaint was made, the Suffolk County District Attorney and to such other authorities as said Board deems appropriate.
- C. For the purposes of this section, "personnel action" shall mean those actions set forth in Civil Service Law § 75-b(1)(d), as well as any of the following acts that are otherwise unjustified or unsupported by facts:
  - (1) Any action resulting in loss of staff assistance, office space or equipment or similar benefit;
  - (2) Any action resulting in loss of position, stature, seniority or authority;
  - (3) Any action that negatively alters said employee's work situation.

**§ 29-23. Other rights not affected.**

Nothing in this article shall be deemed to diminish or impair the rights of a public employee or employer under any law, rule, regulation or collective bargaining agreement, or to mean a limitation on any grievance mechanism or right of appeal and/or judicial review currently enjoyed thereby.

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<sup>i</sup> **Editor's Note: This ordinance also repealed former Art. I, Code of Ethics, adopted 2-23-1971 by Ord. No. 71-CE-2 (Ch. 37 of the 1969 Code of the Town of Huntington), as amended.**

<sup>ii</sup> **Editor's Note: This ordinance also repealed former Article II, Disclosure of Financial Status, adopted 12-16-1969 by Ord. No. 69-CE-15 (Ch. 63 of the 1969 Code of the Town of Huntington), as amended.**

<sup>iii</sup> **Editor's Note: See Ch. 198, Zoning.**